

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 7, 1946

10:55 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call

Present: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Absent: Councilman Gillis

Present also: Guiton Morgan, City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The following applications for taxicab operator's license, duly approved by the City Manager, were submitted:

Ray Henry Kennan, 706 West 21st, 1940 Nash Sedan, Motor No. HE 57377, License FT 4975.

James D. Seal, 1201 East 2nd street, 4-door Chrysler 1937 Sedan, License # EF 2167, Motor #C-14-14983.

Upon motion of Councilman Wolf, duly seconded, the applications were approved by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Gillis

The following applications for transfers of taxicab operator's licenses, duly approved by the City Manager, were submitted:

Henry C. Gardner, 409 West 15th street, 4-door 1941 Plymouth sedan, Motor No. P11-294076, License No. AM 3139, transfer of License No. 142, cancelled.

Bennett Roy Nance, 307 West 6th street, 4-door 1940 Plymouth sedan, Motor No. P10-309408, License FS 5866, transfer of License No. 115, cancelled.

A. M. Rader, Route 2, Box 24, Austin, 4-door 1941 Chevrolet, Motor No. AA542073, License FR 8243, transfer of License No. 113, cancelled.

Upon motion of Councilman Bartholomew, duly seconded, the applications were approved by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Gillis

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted:

Ayers, Wallace Edward	2400 Canterbury
Cain, William Leroy	4205 Duval
Cunningham, Newton William	3905 Avenue D.
Dixon, Donald	1406 Nickerson
Pavales, Ludwick Joe	306 Bowie
Shackelford, Franklin	1618 West 9 $\frac{1}{2}$ street
Summers, Theodour Albert	2005 Bergman Ave.
Small, Joe William	1212 Haskell
Seals, James Dewey	1201 East 2nd st.
Sheeley, Earnest Leo	2100 South 1st.

Upon motion of Councilman Wolf, duly seconded, the applications were granted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

- (1) To amend the USE designation of the following described property so as to change the same from "A" Residence District to "D" Industrial District, and from First Height and Area District to Third Height and Area District; to-wit:
 - (a) 54-58 Rainey Street, being a part of Outlot No. 73, in Division "E" in the City of Austin, Travis County, Texas, and fronting 100 ft. on Rainey Street and 128 ft. along River Street. Said property is more fully described at Volume 678, pages 574-575, and Volume 721, pages 146-147, in the Deed Records of Travis County, Texas.
- (2) To amend the USE designation of the following described property so as to change the same from "B" Residence District and First Height and Area District to "C" Commercial District, First Height and Area District, to-wit:
 - (a) Lots Nos. 2 and 3 in Block No. 8, in Silliman's Subdivision of Outlot No. 5, Division "Z" City of Austin, Travis County, Texas, and fronting north on West 10th Street, between Baylor Street and Lamar Boulevard.
- (3) To amend the USE designation of the following described property from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District, to-wit:
 - (a) Lots Nos. 5 to 8, inclusive, in Outlot No. 53 (said lots fronting west in the 2500 block of San Gabriel Street); Lots Nos. 9 to 12, inclusive, in Outlot No. 53 (said lots fronting east in the 2500 Block of Pearl Street); Lots Nos. 21 to 24, inclusive, in Outlot No. 53 (said lots fronting west in the 2500 block of Pearl Street); and Lots 1 to 5, inclusive, in Outlot No. 52, (said lots fronting south in the 700 block

of 25th street and extending through to and fronting on Graham Drive); all of said lots being in Division "D" in the City of Austin, Travis County, Texas,

was duly opened at the appointed hour.

The Mayor stated that Miss Hausmann had informed the City Manager that she wished to withdraw her request for the zoning change of the property located at 54-58 Rainey street.

The zoning change of the property located in the 2500 block of Pearl Street requested by T. M. TRIMBLE, and of the property located in the 2500 block of San Gabriel street, designated as Lot 8, owned by ROBERT C. SNEED, from "A" Residence, 1st Height and Area District, to "B" Residence, 2nd Height and Area District, was considered next. A large number of property owners in this section were present and opposed the change.

The Zoning Board of Adjustment in their recommendation on the above request included additional property in this neighborhood and that created confusion because when the Zoning Board had a hearing only the property owners within 200 feet of the property owned by Messers Trimble and Sneed were notified, but when the City Clerk's office notified the property owners of the public hearing all property owners within 200 feet of the entire area recommended by the Zoning Board were notified. Therefore, the Mayor stated that he believed the only fair way to handle the matter would be to readvertise the hearing for February 28, and to refer the request again to the Zoning Board and ask that they call a hearing on the entire area in question.

During this hearing Mrs. J. D. Claybrook complained about a traffic hazard at 25½ street and Rio Grande caused by a hedge which needs to be cut. The matter was referred to the Chief of Police for correction.

Mrs. E. A. Reilly also appeared and complained about the width of 25½ street, 23 feet, and the traffic hazard that it causes. This matter will be investigated to ascertain if same can be corrected.

The zoning change of the property located on West 10th street, between Lamar Boulevard and Baylor streets, and designated as Lots 2 and 3, Block 8, Silliman's Subdivision of Outlot No. 5, Division "Z", Judge Ben H. Powell, owner, from "B" Residence to "C" Commercial was heard next.

There being no protestants present at this hearing, the City Attorney was instructed to prepare the necessary Ordinance covering the above zoning change and present same at the next Council meeting.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That for a consideration of Ninety-three Dollars and Seventy-five Cents (\$93.75), the City Manager be, and he is, hereby authorized and directed to execute to SINCLAIR REFINING COMPANY, a corporation organized under the laws of the State of Maine, an easement on the following described tract of land, for use as a right-of-way to lay and bury a pipe line for the transportation of crude petroleum, oil, gas, the products or by-products of each thereof, water, and other substances of a like or different nature:

Thirty-three (33) feet in width across the southwest corner of Bergstrom Field in Del Valle Survey, Travis County, Texas, BEGINNING in the southwest line of Bergstrom Field and the centerline of Burleson Road at a point South $46^{\circ} 23'$ East 1090 feet from the intersection of the center line of State Highway No. 29 (Austin - Lockhart highway) with the center line of Burleson Road; THENCE in a northerly direction 187.5 rods across the southwest corner of Bergstrom Field to a point in the west line thereof, and in the center line of State Highway No. 29, situated North $14^{\circ} 08'$ East 2443 from the intersection of said highway and Burleson Road.

SECTION 2. That the easement executed under the provisions of Section 1 shall authorize the grantee to lay and bury additional pipe lines under the service of said easement upon the payment to the City of Austin of an additional \$93.75 for each additional pipe line placed therein.

SECTION 3. That such easement contract expressly provide that it is made subject to an existing contract between the City of Austin and the United States of America concerning the maintenance of Bergstrom Field and of the City of Austin in its operation of that Air Field, and shall contain a requirement that such pipe line or pipe lines be buried at least two and one-half feet (2-1/2ft) below the surface, and that no ridges or projections above the surface shall be permitted to exist on said right-of-way easement.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The request of Mrs. Maud H. Kingsbury for a change in the zoning of her property located at the southeast corner of 11th and Red River streets, from "C" to "C-2" Commercial District, was received and referred to the Zoning Board of Adjustment for consideration and recommendation.

The following application from RALPH HANNA, M. D. for permission to use the premises located at 505 West 15th street, Austin, Texas, as a physician's office and clinic for the medical treatment of human beings, together with resolution covering such permission:

"Austin, Texas
 January 31, 1946

Honorable Guiton Morgan
 City Manager
 Austin, Texas

Dear Sir:

I hereby respectfully apply for an exception to, or permission in conformity with, the zoning ordinances of the City of Austin authorizing me to occupy, use and maintain the property and premises known as the west 46 feet of Lot No. 6 in Block No. 177 in the City of Austin, also known as No. 505 West 15th street, Austin, Texas, as a physician's office and clinic for the

medical treatment of human beings. The property will be used for the purpose of consultation and treatment only during regular office hours or by appointment. No part of the property will be used as living quarters by any patient.

Very truly yours,

RALPH HANNA, M. D.

By Wm. Kay Miller, Atty."

/ s /

(RESOLUTION)

WHEREAS, Dr. Ralph Hanna has applied in writing through his agent, William K. Miller, for permission to use and maintain a doctor's office and clinic for human beings only on the west 46 feet of Lot 6, in Block 177 of the Original City of Austin, Travis County, Texas, the same being on the south side of West 15th Street and is locally known as 505 West 15th Street and is located in a "B" Residence District which requires a special permit from the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use of a doctor's office and clinic for human beings only be granted to Dr. Ralph Hanna with the following conditions:

1. THAT this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.
2. THAT all setback regulations required in this zone and all building code provisions be complied with in making alterations to such building.

Councilman Alford moved that the above resolution be adopted and same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Gillis

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

(1) A telephone pole line across West 10th Street Alley at a location 125 feet west of the centerline of Lavaca Street.

(2) A telephone pole line in WEST 7TH STREET ALLEY, from the west property line of Guadalupe Street easterly 101.50 feet, the centerline of which pole line shall be 3 feet south of and parallel to the north property line of said WEST 7th STREET ALLEY.

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 (3) A telephone pole line in WEST 7TH STREET ALLEY, from the west property line of Guadalupe Street westerly 134.5 feet, the centerline of which pole line shall be 3 feet north of and parallel to the south property line of said WEST 7TH STREET ALLEY.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Gillis

The following resolution was received from the Austin City Plan Commission and ordered filed:

R E S O L U T I O N

of the

AUSTIN CITY PLAN COMMISSION
 Austin, Texas

WHEREAS, the State Highway Department has approved East Avenue and Cameron Road as the most desirable route for the Interstate Highway, which will be jointly financed by the federal government and the State Highway Department, and for which the City of Austin must provide the right-of-way within the corporate limits of the city;

The City Plan Commission has given careful consideration to the location of this Interstate Highway and has had conferences with the State Highway Department officials concerning the type and character and purpose of this highway; and

WHEREAS, Austin was placed on this Interstate Highway in the original general plan of this system, and if the City of Austin does not provide the required right-of-way it will be left off entirely of this important highway linking the United States with Mexico and South America; and

WHEREAS, all the proposed routes through the City of Austin, East Avenue is the most feasible and economical and the Highway Department has recommended this route; therefore,

BE IT RESOLVED BY THE CITY PLAN COMMISSION:

THAT it is recommended to the City Council that it approve the right-of-way and furnish to the State Highway Department the necessary land for the width of the right-of-way, which is deemed necessary for the proper construction of this Interstate Highway.

/ s / H. F. Kuehne,
 Chairman

The Mayor stated that as soon as Councilman Gillis has recovered from his illness and was well enough to attend a Council meeting, a date would be set for a meeting for the purpose of discussing and deciding upon the location of the Interstate Highway and the acquisition of the necessary right-of-way by the City. The School Board would be invited to attend this meeting.

Councilman Alford submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in MARATHON BOULEVARD, from a point 75 feet north of East 44th Street northerly 100 feet, the centerline of which gas main shall be 8.5 feet west of and parallel to the east property line of said MARATHON BOULEVARD.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Gillis

Councilman Bartholomew moved that the taxicab driver's permit issued to CLYDE WEBER CROOKS, 52 East Avenue, be revoked upon the recommendation of Chief of Police, R. D. Thorp, and approved by the City Manager, because of his very bad traffic record since January 1, 1946. The motion, duly seconded, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The application of the A & A DRUG STORE, 420 East 6th street, Gus and Wolfred Attal, owners, for a permit to sell liquors, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted and the motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Gillis

The following report of the Zoning Board of Adjustment on the application of the JOHN BREMOND COMPANY by H. M. HOUSTON, for a change in the USE designation of the South half of the west side of Nueces Street, from 28th to 29th street, to the alley in the rear thereof, in the City of Austin, from "B" Residence District, 3rd Height and Area District, to "C-1" Commercial District, 3rd Height and Area District, was received:

"January 30, 1946

Hon. Mayor and City Council
 Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 29, 1946:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration and recommendation a petition of the JOHN BREMOND COMPANY by H. M. HOUSTON requesting a change in the USE designation of the following property:

The South Half of the West Side of Nueces Street from 28th to 29th streets, to the alley in the rear thereof, in the City of Austin,

from "B" Residence District and Third Height and Area District to "C-1" Commercial District and Third Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on January 29, 1946, at which a number of adjacent surrounding property owners protested against this change and a written petition was filed with the Board signed by a large number of property owners within a radius of 200 feet to 300 feet of this property; and

WHEREAS, this application includes the owner's property which is appro-

imately 50 ft x 75 ft in size, fronting on Nueces Street and siding on 28th Street, and further includes six lots belonging to other property owners who did not join the applicant in this request and who protested the sale of wine, beer or other spirituous liquors and the introduction of more commercial property in this area on account of the present traffic congestion and hazards due to the commercial development on Guadalupe Street and 29th Street, and desired their properties to remain in the present zoning classification; and

WHEREAS, this property is located in a Third Height and Area District and a "B" Residence District which would permit its development for multi-family purposes such as an apartment hotel, which could be erected to a height of 90 ft. or eight stories, and thus would provide an economic development of the property without any change in its zoning classifications; and

WHEREAS, if the six lots belonging to protesting property owners were excluded from this application, it would leave only the small corner lot which would again result in a "spot" zone with no relation to a general Use Plan for the neighborhood; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, due to the protest of the property owners included in this application, but who did not join in the same, and that their exclusion would create a "spot" zone, this change in the Use Designation of the above property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne, Chairman"

/ s /

The Council requested that Mr. H. M. Houston be notified of the decision of the Board of Adjustment to NOT recommend the change he had requested, and to ascertain whether or not he wanted to request a public hearing by the Council.

Councilman Wolf submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>Name</u>	<u>Year</u>	<u>Amount Collected</u>
A. J. Randle	1930, 1932, 1933	\$ 4.70
F. H. Prather	1938, 1940 thru 1943	14.77
J. H. Sprinkle	1938	5.96
James Foster	1944	2.65
Frank Guajardo	1944	.50
Renoldo L. Andrade	1944	.96
Mrs. J. S. Downing	1944	8.67
H. E. Wells	1938 & 1943	7.01
Ervin Roeglin	1944	.36
Paul F. Herman	1932, 1939 thru 1942, 1944	16.15
B. C. Jeffries	1944	7.50

A. F. Ashford	1942	\$	11.98
L. C. Proctor	1940, 1941, 1943, 1944		32.97
Howard G. Noble	1941 & 1942		2.52
Herbert L. Thomas	1941 thru 1944		14.36
Marcelene Calderon	1942 & 1943		5.55
Mathis Flower Shop	1942 thru 1944		29.32
O. L. Sauls	1936 thru 1943		31.17
R. W. Orter	1936		6.67
Charles P. Evans	1937		.54
W. L. Grant	1937 & 1938		12.49
J. H. Sprinkle	1937 & 1939		12.66
John Gonzales	1940 & 1943		2.09
C. H. Ferdinandtsen	1941 thru 1944		10.78
Frank Washington	1941 thru 1944		13.99
J. Carl McReynolds	1942 & 1943		7.11
August Armbruster	1943		7.28
Otto Armbruster	1943		3.64
T. L. Huggins	1943		2.30
Randall W. Payne	1943		.25
Mrs. S. N. Allred	1944		1.79
M. M. Reedy	1943 & 1944		6.65
C. Alba	1944		3.14
George Barrett	1944		3.50
W. T. Clark	1944		2.41
Will Fuller	1944		.25
R. K. Seirman	1944		7.22
R. H. Jay	1944		10.53
Wilton Howard	1930 & 1931		24.24
Harold Corbitt	1935 thru 1943		36.02
Julia Ann Bay	1941 & 1942		2.91
Howard Masdon	1941 thru 1944		49.75
W. B. Onne	1941 & 1942		1.52
Mariano Trujillo	1941		.38
William Henry Fielder	1942 & 1943		15.89
C. E. Boyd	1944		7.58
H. C. Ward	1944		5.07
O. M. Doherty	1942		2.49
Morris Young	1942 & 1943		.49
Ruth A. Bowman	1943		5.70
J. J. Stahl	1944		1.45
Robert L. Gorham	1935 thru 1940 & 1943, 1944		33.34
James F. Gramon	1937 thru 1939, 1941 thru 1943		15.36
S. P. Engelking	1938 thru 1943		43.09
Raymond Nauman	1939 thru 1942 & 1944		8.53
Albert C. Denmark	1943		2.06
F. D. Glass, Sr.	1943 & 1944		7.38
Dr. L. L. Amend	1944		2.30
P. J. Conally	1944		2.77
Milton G. Dotson	1944		5.78
H. Carroll Morrison	1944		6.87
J. W. Shriver	1944		10.12
J. D. Freeman	1938 thru 1940 thru 1943		24.41
Donald W. McCaig	1937 thru 1941 & 1943		15.76
Jacob W. Mohr	1943		8.13
Maxie C. Kluge	1944		.84
Theo. P. Meyer, Jr.	1944		4.57
G. V. Strickland	1941		..51
A. J. Koelzer	1942		6.85
Holmes E. Wallace	1942		6.99

N. W. Dandridge

1943

\$ 1.82

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

AYES: Councilmen Alford, Bartholomew, Mayor Miller and Councilman Wolf

NOES: None

ABSENT: Councilman Gillis

There being no further business, upon motion made and seconded, the meeting was recessed, subject to the call of the Mayor, at 1 P. M.

APPROVED

Tom Miller
Mayor

ATTEST:

Helen K. Burch
Acting City Clerk